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Jackie McClaskey, Secretary

Governor Sam Brownback

September 18, 2015

BRAD ROBERTS
US EPA REGION 7
11201 RENNER BLVD
LENEXA KS 66219-9601

RCRA



Re: Pending Applications Surrounding Occidental
Chemicals Remediation Site
Application, File Nos. 47235, 47513, 47535, 47554, & 48622

Dear Mr. Roberts:

This serves to acknowledge information provided to our office by email, received on October 20, 2014, to support the EPA's assertion that additional appropriations in the vicinity of Occidental Chemical site should be denied.

In ascertaining whether applications should be approved or denied, the Chief Engineer must determine in part whether approval of the applications would prejudicially and unreasonably affect the public interest, including impairment of existing water rights through the unreasonable deterioration of water quality beyond a reasonable economic limit (K.S.A. 82a-711). We are in the process to deny those applications located closest to the contamination plume based on the information you have submitted. The information you have submitted does not appear to justify denial of Application, File Nos. 47235, 47513, 47535.

We are allowing a final comment period of 60 days for additional information to be submitted to show how approval of Application, File Nos. 47235, 47513, 47535, will negatively impact public interest within the Chief Engineer's authority as provided in K.S.A. 82a-711. Additional information could include maps showing past, current and projected extent of the contaminant plume (if the applications are approved) and concentration levels of the contaminants. In order for the Chief Engineer to consider denial of these applications, a clear link needs to be made between approval of each new application and impairment of existing water rights. Since there are already several active water rights in this same vicinity, it must be further shown how that potential for impairment would be worsened by approval of Application, File Nos. 47235, 47513, 47535.

Any information received in this office on or before **November 18, 2015** will be considered before final action is taken on the above referenced applications. If no new information is received within the time allowed, or any authorized extension thereof, Application, File Nos. 47235, 47513 and 47535, will be submitted to the chief engineer with a recommendation they be approved. If you have any further questions, please contact our office at (785) 564-6634.

Sincerely,

Kenneth A. Kopp, P.G.
New Applications Unit Supervisor
Water Appropriation Program

RECEIVED

SEP 21 2015

AWMD/RCAP

Pc: Mike Gannaway